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Mary Elise (Gormley) Lane

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Beth A. Burnside, et al.

Application No.: 10/027,349

Filed: December 20, 2001

Docket No.: SHLI-002-003

Examiner: A. Pryor

Group Art Unit: 1616

Title: SUSTAINED RELEASE PHARMACEUTICAL DOSAGE FORMS WITH  
MINIMIZED PH DEPENDENT DISSOLUTION PROFILES

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### RESPONSE TO ELECTION REQUIREMENT

Mail Stop Patent Applications  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: October 10, 2003

OFFICIAL

Sir:

In response to the Office Action containing an election of species requirement, dated August 13, 2003, Applicants hereby elect to initially prosecute a composition containing (1) guanfacine hydrochloride as the active agent, (2) hydroxypropyl methylcellulose as the non-pH dependent sustained release agent, and (3) ammonio methacrylate copolymer (Eudragit RSPO) as the pH dependent agent.

Claims 1, 40 and 41 are generic thereto. Claims 1 – 5, 38, 39, 40 and 41 read on the elected species.

The Office Action requests that if patent coverage for further ingredients in a composition of the present invention is desired, then Applicants are required to name (elect) them specifically as well. Applicants traverse this part of the

requirement, as being contrary to established patent law practice. However, to the extent that the Examiner is asserting that otherwise consideration of such ingredients will be withdrawn, Applicants hereby elect the components listed in claim 39.

For the reasons given above, it is respectfully submitted that this election of species requirement should, at least in part, be withdrawn.

Please also be advised that a new power of attorney in this application was faxed to the PTO on August 27, 2003. Please address all further correspondence to the undersigned.

This response is being submitted with a Petition for One-Month Extension of Time. If there are any deficiencies of fees at any time in this application, please charge our Deposit Account No. 502715.

Respectfully submitted,



Mary Elsa (Gormley) Lane  
Registration No. 34,409  
Attorney for Applicants

SHIRE LABORATORIES INC.  
1550 East Gude Drive  
Rockville, MD 20850  
Tel: 301/838-2658  
Fax: 301/838-2501  
mlane@shirelabs.com